



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2406097
Applicant Name: Julie Johnston
Address of Proposal: 547 NE 91st Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel containing two existing single family residences into two parcels of land, with one single family residence on each. Proposed parcel sizes are: A) 4,080 sq. ft. and Parcel B) 2,939 sq. ft. The existing structures are to remain.

The following approval is required:

Short Subdivision: - To subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 7,019 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the Maple Leaf Neighborhood of north Seattle. The parcel is located on the south side NE 91st Street approximately 140 feet from the intersection of NE 91st Street and 8th Avenue NE. Northeast 91st Street is paved with concrete sidewalks, curbs and gutters on each side of the street. There are two existing houses on the site, which are to remain. There is no alley and access to the site is from an existing curb cut off NE 91st Street. Development in the area consists of mostly single-family houses, which vary in size, height, age and architectural style, and are built on a variety of lot sizes, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are: Parcel A) 4,080 sq ft. and Parcel B) 2,939 sq. ft. Proposed Parcels A will have direct pedestrian and vehicular access to NE 91st Street and Parcel B will have pedestrian access via an easement across Parcel A. The existing single family residences will remain.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

The public comment period ended October 6, 2004. DPD received five written comments from the public related to the subdivision application. The comments expressed concerns related to minimum lot size, potential for multifamily development, adequacy of access and parking, noise, and destruction of the character of the neighborhood.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. Minimum lot size is subject to exceptions in SMC 23.44.010 B and 23.24.046. Single family zoning allows one dwelling unit per lot, with accessory dwelling unit meeting the provision of SMC 23.44.041. Certain nonconforming lots containing multiple single family dwellings may be eligible for subdivision if they meet the provision of 23.24.046. Under these provisions, the Director may modify or waive development standards, such as lot size, lot coverage, required yards, and location of parking and access. The table on page 6 of this document outlines this application's proposed nonconformities to development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed Parcel A will have direct vehicular and pedestrian access to Northeast 91st Street. Parcel B will have an easement for pedestrian access only to Northeast 91st Street over the west 7.6 feet of Parcel A. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide electrical facilities and services to the proposed lots. The required easement language should be attached to and become part of the short plat.

One conforming parking space currently exists on the site, located in a one-car garage attached to the principal structure on proposed Parcel A. Access to parking is via an existing conforming driveway. Vehicular access to Parcel B is not available because the proposed access easement located on the west side of the structure across Parcel A is 7.6 feet wide. As a result, it is infeasible to provide vehicular access to the proposed Parcel B and no conforming parking

space exists on the site outside of the attached garage. DPD therefore consider it reasonable to waive required parking and code complying access for Parcel B per SMC 23.24.046 B4.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on September 7, 2004 (WAC ID No. 2004-1322).

The sidesewer from the two existing houses on the site discharges to an 8-inch public combined sewer (PS) in located in Northeast 91st Street. The PS is the appropriate point for stormwater discharge. According to the DPD drainage reviewer, the proposed pedestrian access and utility easement is sufficient to allow for continued sewer access to proposed Parcel B.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions except the minimum lot area standards, yard standards, parking and access. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interests are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

According to the applicant's survey, there is one apple tree with a diameter of 22 inches. At the time of this decision, no related building permit has been applied for and no construction is proposed. Future construction, if any, will be subject to the provisions of SMC Sections 23.44.008, 25.11.050 and 25.11.060, which set forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

DPD's permit history reflects that two legal single family homes have been established on the site. According to records of the King County Assessor's Office, the first house with an area of 784 square feet located on Parcel A was built in 1930 and the second house with an of 741 square feet located on Parcel B was built in 1920. The requirements of this section are met as the single family residences were legally established. A Certificate of Land Use issued August 30, 1993, is located in the project file and in DPD's microfilm records.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

As stated above, the existing homes were constructed in 1920 and 1930.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot and by the permit history detailed above. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access; unless the Director determines that at least one (1) of the following conditions is present*

One conforming parking space exists on the site, located in one car garage attached to the principal structure on proposed Parcel A. Access to parking is via a driveway direct from Northeast 91st Street. Vehicular access to Parcel B is not available because the proposed access easement located on the west side of the structure across Parcel A is 7.6 feet wide. As a result, it is infeasible to provide vehicular access to the proposed Parcel B and no conforming

parking space exists on the site outside of the attached garage. DPD therefore consider it reasonable to waive required parking and code complying access for Parcel B per SMC 23.24.046 B4.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*
- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
 - b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision meets the above criteria. Below is a table that summarizes the modifications or waivers to development standards required to approve the short plat. The rear yard for the southerly house addressed on Parcel B is nonconforming for the undivided property as a whole, but will become somewhat less nonconforming for the southerly house after the short subdivision. Parcel B will also continue to be nonconforming as to required on-site parking requirements.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

	Front Yard	Side Yard (east)	Side Yard (west)	Rear Yard	Parking	Lot Size
Proposed Parcel A, 547 NE 91st St.	Conforming (unchanged)	Conforming (unchanged)	Conforming (unchanged)	Conforming greater than 20% of lot depth.	Conforming (unchanged)	Nonconforming, less than 5000 sq. ft.
Proposed Parcel B, 545 NE 91st St.	Conforming	Conforming	Nonconforming (unchanged)	Nonconforming	Nonconforming none provided	Nonconforming less than 5000 sq. ft.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

After Recording and Prior to Issuance of a Building Permit

3. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: (signature on file) Date: February 14, 2005
Christopher Ndifon, Land Use Planner